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Rabindranath Dutta

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DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN, TX 78759

EXAMINER

AMINI, JAVID A

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/583,346
Filing Date: May 31, 2000
Appellant(s): DUTTA, RABINDRANATH

Brian F. Russell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/27/2010 appealing from the Office action mailed May 27, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(1) The decision in Appeal No. 2004-1712, mailed January 28, 2005, which reversed the final rejection of Claims 2-8, 11, 12, 14-17, 20, 21, 23-26 and 28-30; and

(2) The decision in Appeal No. 2009-003738, mailed August 31, 2009, which affirmed the final rejection of Claims 2-8, 11-12, 14-17, 20-21, 23-26 and 28-30.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

2-8, 11-12, 14-17, 20-21, 23-26, 28-30

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

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(6) Grounds of Rejection to be Reviewed on Appeal

The final rejection of Claims 2-8, 11-12, 14-17, 20-21, 23-26 and 28-30 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,661,632 to *Register* in view of U.S. Patent No. 6,453,173 to *Reber et al. (Reber)*.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

the final rejection of Claims 2-8, 11-12, 14-17, 20-21, 23-26 and 28-30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, and

The final rejection of Claims 20-21, 23-26, 30 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the written description requirement,

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5661632	Register	8-1997
6453173	Reber	9-2002

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

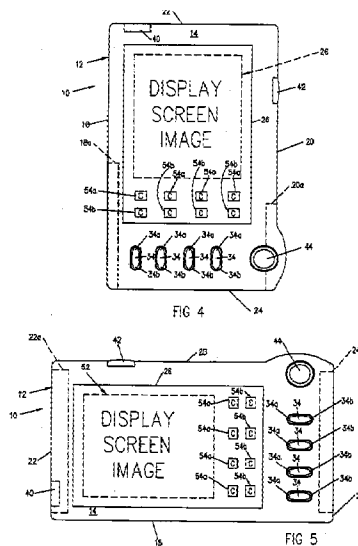
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 11-12, 14-17, 20-21, 23-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register 5661632, and further in view of Reber et al. 6453173, hereinafter Reber.

Claim 28.

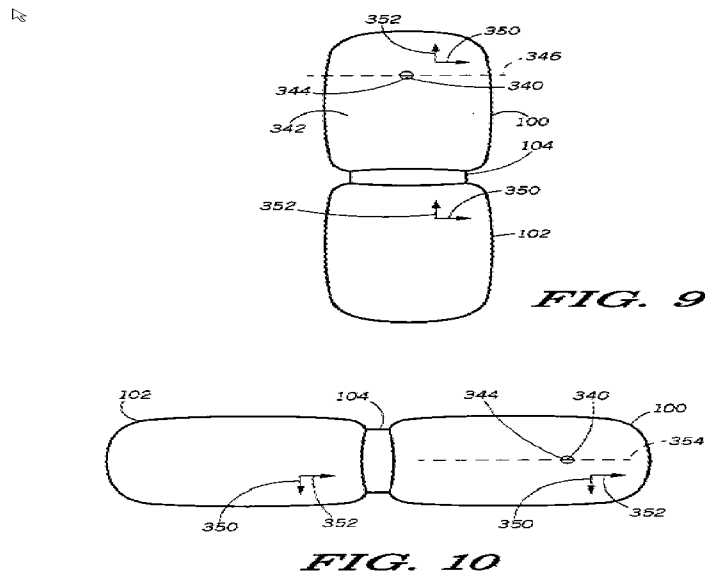
Register teaches a method for displaying data on a portable device having a display that is significantly larger in a first dimension than in a second dimension, said method comprising the steps of: see figs. 4-5 i.e. self explanatory, below:

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Register teaches receiving a data page in the portable device #22 from input output #116, 112 and 110 PCMCIA, the data page is the data that displayed on display area; Register teaches the portable device analyzing the data page to determine an orientation for presentation of the data page relative to the first and second dimensions of the display; and the portable device automatically displaying the data page in a first orientation within the display in response to determining the first orientation and the portable device automatically displaying the data page in a second orientation within the display in response to determining the second orientation, see figs. 4-5 above, they are self explanatory (i.e. Examiner believes in view of steps in the claimed invention (e.g., claim 28) the prior art Register in figs. 4-5 teaches the steps of the claim, because the display screen image #26 of fig. 4 is displayed in a second orientation (see fig. 5 #52), and this would have been obvious to one of ordinary skill in the art to equate as analyzing the data page i.e. the display screen image #26 of fig. 4 into #52 of fig. 5), but Register does not teaches automatically displaying the data page in a first and a second orientations within the display.

Reber teaches automatically displaying the data page in first and second orientations within the display. Reber at col. 13 lines 4-10 discloses the embodiment described with reference to FIGS. 9 and 10 is advantageous in automatically varying the scanning axis of the light beam in dependence upon the orientation of the handheld device. Regardless of whether the handheld device is oriented to display content in a portrait mode (FIG. 9) or in a landscape mode (FIG. 10), the light beam is scanned horizontally to read horizontally-oriented bar codes, see col. 13 lines 4-10.



Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Reber's light beam into Register's toggle switches in order automatically varying an axis of a scanning light beam in dependence upon an orientation of the handheld device.

Claim 29 is rejected with similar reasons as set forth in claim 28, above.

Claim 30 is rejected with similar reasons as set forth in claim 28, above. Except the computer program product and a computer-readable storage medium, Register teaches a hard disk #114 in

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fig. 6; Register teaches instructions embodied within the storage medium that cause the portable data processing device to receive the data page within the portable data processing device, see flow chart of a software of fig. 7, the rest of the features are similar to features of claim 28, see above.

Claim 2.

The method of claim 28, wherein the data page is received over a wireless connection, Register in fig. 4 illustrates a PDA that contains a wireless connection.

Claim 3.

The method of claim 28, wherein the second orientation is a ninety-degree rotation of the first orientation, Register in fig. 4 illustrates a PDA that contains the second orientation a ninety-degree rotation of the first orientation.

Claim 4.

The method of claim 28, wherein the device comprises a display that is significantly larger in a first dimension than in a second direction dimension are orthogonal to the first dimension, Register in fig. 4 illustrates a PDA.

Claim 5.

The method of claim 28, wherein: the data page is initially displayed by the portable device in one of the first and second orientations; the method further comprises the portable device redisplaying the data page is redisplayed in the other of the first and second orientations in response to a user input, Register in figs. 4-5 illustrates a PDA.

Claim 6.

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The method of claim 28, wherein: the data page is initially displayed by the portable device in one of the first and second orientations; the method further comprises the portable device automatically redisplaying the data page is redisplayed in the other of the first and second orientations after a preset duration, it would have been obvious to skilled in the art to recognize that Register and Reber 's handheld devices redisplaying the data page in both orientations and of course there should be a delay period between the two orientations.

Claim 7.

The method of claim 28, wherein in the portable device is a wireless telephone, Register in figs. 4-5 illustrates a PDA.

Claim 8.

The method of claim 28, wherein the portable device is a personal digital assistant, Register in figs. 4-5 illustrates a PDA.

Claim 11.

The portable data processing system of claim 29, wherein the data page is received over a wireless connection, Register in fig. 4 illustrates a PDA that contains a wireless connection.

Claim 12.

The portable data processing system of claim 29, wherein the second orientation is a ninety-degree rotation of the first orientation, Register in fig. 4 illustrates a PDA that contains the second orientation a ninety-degree rotation of the first orientation.

Claim 14.

The portable data processing system of claim 29, wherein: the portable data processing system initially displays the data page in one of the first and second orientations; and instruction further

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cause the data processing system to redisplay the data page in the other of the first and second orientations in response to a user input Register in figs. 4-5 illustrates a PDA.

Claim 15.

The portable data processing system of claim 29, wherein: the data page is initially displayed by the portable data processing system in one of the first and second orientations: the instruction further cause the data processing system to automatically redisplay the data page in the other of the first and second orientations after a preset duration, it would have been obvious to skilled in the art to recognize that Register and Reber 's handheld devices redisplaying the data page in both orientations and of course there should be a delay period between the two orientations.

Claim 16.

The data processing system of claim 29, wherein the portable data processing system is a wireless telephone, Register in fig. 4 illustrates a PDA that contains a wireless connection.

Claim 17.

The data processing system of claim 29, wherein the portable data processing system is a personal digital assistant, Register in fig. 4 illustrates a PDA that contains the second orientation a ninety-degree rotation of the first orientation.

Claim 20.

The computer program product of claim 30, wherein the data page is received over a wireless connection, Register in fig. 4 illustrates a PDA that contains a wireless connection.

Claim 21.

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The computer program product of claim 30, wherein the second orientation is a ninety-degree rotation of the first orientation Register in fig. 4 illustrates a PDA that contains the second orientation a ninety-degree rotation of the first orientation.

Claim 23.

The computer program product of claim 30, wherein: the data page is initially displayed by the portable device in one of the first and second orientations; the computer program product further includes instructions that cause the portable data processing device to redisplay the data page in the other of the first and second orientations in response to a user input, the computer program is illustrated in fig. 7 of Register.

Claim 24.

The computer program product of claim 30, wherein: the data page is initially displayed by the portable device in one of the first and second orientations; the computer program product further includes instructions that cause the portable data processing device to automatically redisplay the data page is redisplayed in the other of the first and second orientations after a preset duration. it would have been obvious to skilled in the art to recognize that Register and Reber 's handheld devices redisplaying the data page in both orientations and of course there should be a delay period between the two orientations.

Claim 25.

The computer program product of claim 30, wherein the portable device is a wireless telephone Register in fig. 4 illustrates a PDA that contains a wireless connection.

Claim 26.

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The computer program product of claim 30, wherein the portable device is a personal digital assistant Register in fig. 4 illustrates a PDA that contains a wireless connection.

(10) Response to Argument

The broadest independent claim is claim 28.

Appellant on pages 9-10 of the Appeal brief argues regarding the art rejection that the combination of Register and Reber do not teach any analysis of a data page to determine the orientation of display for the data page.

Examiner believes in view of steps in the claimed invention (e.g., claim 28) the prior art Register in figs. 4-5 teaches the steps of the claim, because the display screen image #26 of fig. 4 is displayed in a second orientation (see fig. 5 #52), and this would have been obvious to one of ordinary skill in the art to equate as analyzing the data page i.e. the display screen image #26 of fig. 4 into #52 of fig. 5.

Register uses toggle switches for analyzing of data page. And the second prior art Reber uses an optical reader for analyzing of data page for different orientations of the handheld devices. Anotherwords, both of the prior arts are analyzing the data page using their own techniques. Claims 28-30 do not specify how the data page being analyzed, e.g., as disclosed line 28 page 7 of the specification "by examining the line-width".

Appellant at last paragraph on page 10 argues the combination of Register and Reber discloses only that a user can toggle between portrait and landscape displays modes using manually ...

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Examiner believes Reber at col. 13 lines 4-10 discloses the embodiment described with reference to FIGS. 9 and 10 is advantageous in automatically varying the scanning axis of the light beam in dependence upon the orientation of the handheld device

(11) Related Proceeding(s) Appendix

The present appeal is related to the following prior appeals of the present application:

- (1) The decision in Appeal No. 2004-1712, mailed January 28, 2005, which reversed the final rejection of Claims 2-8, 11, 12, 14-17, 20, 21, 23-26 and 28-30; and
- (2) The decision in Appeal No. 2009-003738, mailed August 31, 2009, which affirmed the final rejection of Claims 2-8, 11-12, 14-17, 20-21, 23-26 and 28-30.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Javid A Amini/

Primary Examiner, Art Unit 2628

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Conferees:

/Andrew Wang/

Supervisory Patent Examiner, Art Unit 2628

/XIAO M. WU/

Supervisory Patent Examiner, Art Unit 2628